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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
6–30 August 2018
Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined fourth to sixth periodic reports of Montenegro*

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Measures taken to update and improve data collection on the ethnic composition of the population, disaggregated by socioeconomic status, in particular with regard to the Roma, Ashkali and Egyptian communities.

Legal, institutional and public policy framework for combating racial discrimination (arts. 2–7)

3. Examples of cases where the Convention has been invoked directly by domestic courts.

4. Absence of provisions criminalizing organizations that promote and incite racial discrimination. Statistical data on the implementation of the new amendments to article 42a of the Criminal Code relating to racist motivation as an aggravating circumstance.

5. Update on complaints on racial discrimination, including racist hate speech and incitement to racial hatred, submitted to domestic courts, and reasons for the low number of investigations, prosecutions and sanctions for such acts. Follow-up to the findings of the Protector of Human Rights and Freedoms of Montenegro related to racial discrimination.

6. Outcome of training courses provided to judges, prosecutors, lawyers and police officers to help them identify racially motivated cases and on the criminal provisions related to the prohibition of racial discrimination.

* The present report was submitted after the deadline in order to reflect recent developments.

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7. Update on the application of the Criminal Code, the Law on the Media (art. 23) and the Law on Electronic Media (art. 48), which prohibit incitement to racist hatred in audiovisual media services, including electronic publications. Also update on the activities of the Computer Incident Response Team and the Cybercrime Division of the National Police. Further update on specific measures to prevent and combat racist violence and racist hate speech disseminated by various sources, including politicians, the media, online platforms and football supporters.

8. Measures taken to ensure full compliance of the mandate of the Protector of Human Rights and Freedoms with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), especially with regard to its financial autonomy and its independence. Impact of the amendments to the Law on the Protector of Human Rights and Freedoms (ombudsman) on the provision of adequate human, financial and technical resources to it. Update on the anti-racism activities of the Protector.

Situation of Roma, Ashkali and Egyptians (arts. 2–7)

9. Outcome of the new procedure for late birth registration of Roma children.

10. Results/impact of training courses to eliminate and prevent negative perceptions and deeply rooted prejudices against persons belonging to the Roma, Egyptian and Ashkali communities. Update on awareness-raising campaigns among the general population to promote inter-ethnic dialogue and understanding and to prevent discrimination in all areas of life against persons belonging to the Roma, Ashkali and Egyptian communities.

11. Persistent marginalization and discrimination in employment of persons belonging to the Roma, Ashkali and Egyptian communities, especially women. Results of the specific measures taken to combat growing unemployment, particularly among Roma, Ashkali and Egyptians, such as subsidies, training and work programmes, as well as of the project "Step closer to the labour market" and the Strategy for Social Inclusion of Roma and Egyptians in Montenegro 2016–2020.

12. Realization of the construction project under the Strategy for Durable Solutions of Issues regarding Displaced and Internally Displaced Persons in Montenegro (2011–2015) and the Regional Housing Programme. Effective prevention of urban segregation and evictions following the allocation of social housing to Roma. Initiatives to close the Konik camp and to initiate the inclusion of Konik residents in communities throughout the country. Measures to regularize the situation of Roma who were stateless in 2011.

13. Updated statistics on the enrolment and dropout rates of Roma, Ashkali and Egyptian children in primary and secondary education institutions, including the results achieved by increasing the number of Roma mediators/assistants. Results of campaigns conducted in Podgorica, Niksic, Herceg Novi and Berane to increase the enrolment rates of children belonging to the Roma, Egyptian and Ashkali communities in primary and secondary education. Additional steps taken to ensure preschool education for all Roma children and the results of the implementation of the Strategy of Inclusive Education in Montenegro 2014–2018. Measures taken to put an end to the labour exploitation of Roma, Ashkali and Egyptian children.

14. Results and effectiveness of measures taken to prevent and combat trafficking, sexual and economic exploitation, early/forced marriages of children from the Roma, Ashkali and Egyptian communities. Evaluation of the results of the implementation of the National Strategy (2012–2018) to combat and prevent trafficking.

Situation of other ethnic and national minorities (arts. 2–7)

15. Harmonization of the definition of the term "national minority" contained in the Law on Minority Rights and Freedoms with the definition in the Constitution.

16. Update on the measures taken to strengthen the role and functions of the National Minority Councils, on the effectiveness of the measures the Councils have taken and on the measures taken to provide them with additional financial support. Application of the Law

on Amendments to the Law on Minority Rights and Freedoms, particularly with regard to the framework for the participation of minorities in self-government units.

17. Update on the representation of national and ethnic minorities in public and political affairs. Use of minority languages on radio and television and coverage of issues of interest to national and ethnic minorities in such media.

18. Measures to ensure the availability of good quality textbooks and manuals for all subjects taught in minority languages at all levels of education. Measures to reflect the identity and culture of persons belonging to national minorities in the general curriculum.

19. Measures taken to restitute property that was confiscated from ethno-religious minorities.

20. Outcome of the measures taken to ensure the prosecution of perpetrators of war crimes in compliance with the practice of the International Tribunal for the Former Yugoslavia.

Situation of non-citizens, including migrant workers, asylum seekers and refugees (art. 5–7)

21. Information on policies to integrate non-citizens, migrant workers, asylum seekers and refugees, including information on their access to adequate housing, employment opportunities and health care. Information on the living conditions of people living in asylum seekers' centres and on the adequacy of the capacity of those centres.

22. Facilitation of procedures to obtain residence permits and information and update on the implementation of the new Law on International and Temporary Protection of Foreigners.

23. Mechanism to identify, register and protect stateless persons. Simplification of the procedure for internally displaced persons to regularize their status under the Law on Amendments to the Law on Foreigners. Implementation and impact of the Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro (2017–2019).

24. Measures taken to combat stigmatization and prejudice towards internally displaced persons from Kosovo.[1]

[1] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).